

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 NEA-10 IO-13 ADP-00 AF-10 EA-11 EUR-25

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

RSR-01 /247 W

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R 181343Z JUL 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 545

INFO USMISSION USUN NY

AMEMBASSY BRAZILIA

AMEMBASSY ANAKARA

AMEMBASSY ATHENS

AMEMBASSY LIMA

AMEMBASSY PANAMA CITY

AMEMBASSY QUITO

UNCLAS GENEVA 3703

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: SEABED CMTE MEETING, SUBCMTE II, JULY 16, 1973

1. SUMMARY: CHAIRMAN ANNOUNCED THAT NINETEEN DOCUMENTS (INCLUDING US PROPOSAL ON COASTAL SEABED ECONOMIC AREA) HAD BEEN SUBMITTED FOR INCLUSION IN SECRETARIAT COMPARATIVE TABLE OF PROPOSALS BEFORE SUBCMTE II. ECUADOR, PERU AND PANAMA, AS CO-SPONSORS, EXPLAINED COMPREHENSIVE WORKING PAPER. BRAZIL INTRODUCED TERRITORIAL SEA ARTICLES. TURKEY SUBMITTED REVISIONS TO PRIOR ARTICLES ON BREADTH OF TERRITORIAL SEA AND DELIMITATION BETWEEN STATES. GREECE TOOK STRONG EXCEPTION TO TURKISH POSITION
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ON ISLANDS.

2. ECUADORIAN REPANNOUNCED THAT WORKING PAPER CO-SPONSORED BY PANAMA AND PERU PROVIDED FOR THREE ZONES: (1) ADJACENT SEA WHERE SOVEREIGNTY OF COASTAL STATE EXTENDED TO 200 MILES; (2) CONTINENTAL SHELF WHERE IT EXTENDED BEYOND 200 MILES; AND (3) INTERNATIONAL SEAS WHICH WERE NOT SUBJECT TO COASTAL STATE SOVEREIGNTY. PROVISIONS WERE ALSO INCLUDED FOR RECOGNITION OF ARCHIPELAGOES. IN ADJACENT SEA, VESSELS AND AIRCRAFT MAY GO FREELY EXCEPT FOR RESTRICTIONS COASTAL STATES MIGHT IMPOSE REGARDING RESOURCES, PRESERVATION OF MARINE ENVIRONMENT, SCIENTIFIC RESEARCH, INSTALLATIONS, SAFETY OF NAVIGATION. REP STRESSED THAT COASTAL STATE RESOURCE RIGHTS WERE NOT INCOMPATIBLE WITH NAVIGATION IN ADJACENT SEA.

3. PANAMA'S REP DISCUSSED THEIR CONSTITUTIONAL AND LEGISLATIVE ACTS FOR 200-MILES EXTENSION OF SOVEREIGNTY. HE ALSO ATTACKED SPECIES APPROACH ON FISHERIES (WHICH US SUPPORTS) AS UNJUST TO SMALL COUNTRIES.

4. PERU'S REP EMPHASIZED IMPORTANCE OF FISHING TO PERU AND CITED STATISTICS INDICATING 200-MILE ZONE HAD VASTLY IMPROVED THEIR CATCH. HE STATED THEY WOULD SHORTLY SUBMIT TEXT OF FISHERIES. IN WORKING PAPER, INTERNATIONAL SEA SHOULD BE USED FOR PEACEFUL PURPOSES-- NOT AGGRESSION OR THREAT; HOWEVER, MOST HIGH SEAS' FREEDOMS COULD BE EXERCISED SO LONG AS IN ACCORD WITH GENERAL COMMUNITY INTERESTS. REP COMMENTED ON PROVISIONS FOR LANDLOCKED STATES IN PAPER AS WELL AS ON NEED FOR REGIONAL AND SUBREGIONAL REGIMES. GIST OF SIX LATIN LOS OBJECTIVES WERE: (1) EXPLOITATION OF NATURAL RESOURCES FOR BENEFIT OF COASTAL STATES; (2) PROHIBITION OF COERCION RE NATURAL RESOURCES; (3) EFFECTIVE PARTICIPATION BY LATIN STATES IN INTERNATIONAL MARKETS; (4) PREFERENCE OF STATE OR REGIONAL INTERESTS OVER PRIVATE INVESTORS; (5) PROMOTION OF LATIN COUNTRIES SCIENCE AND TECHNOLOGY; AND (6) NO DOMINATION BY MAJOR MARITIME POWERS. REP SUBSEQUENTLY STATED THAT VIEWS ON TWO ZONES WERE TENTATIVE; MOREOVER HE

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ASKED THAT WORD "ADJACENT" IN DRAFT PROPOSAL BE PLACED IN BRACKETS.

5. BRAZIL DRAFT ARTICLES PROPOSE TERRITORIAL SEA OF UP TO 200 MILES. ARTICLES DID NOT ATTEMPT TO RESOLVE QUESTION OF CONTINENTAL SHELF RIGHTS BEYOND 200 MILES. STATES NOT FACING OPEN OCEAN WERE TO CONSULT WITH OTHER STATES IN REGION TO DETERMINE MAXIMUM BREADTHS APPROPRIATE TO REGION.

6. TURKISH REP EXPLAINED THAT ONE SET OF DRAFT ARTICLES RELATED TO BREADTH OF TERRITORIAL SEA AND MANNER IN WHICH RIGHT TO FIX DISTANCE WOULD BE EXERCISED. SECOND SET OF DRAFT ARTICLES CONCERNED DELIMITATION BETWEEN ADJACENT OR OPPOSITE STATES WHETHER TERRITORIAL SEA, ECONOMIC ZONE OR OTHER MARITIME BOUNDARIES WERE INVOLVED. REP POINTED OUT THAT TURKISH COAST WAS SURROUNDED BY ISLANDS OR ISLETS BELONGING TO ANOTHER COUNTRY (GREECE). EXTENSION OF TERRITORIAL SEA COULD RESULT IN CUTTING OFF FREE ACCESS TO TURKEY TO ITS OWN TERRITORIAL SEA. TURKEY BELIEVED THAT STATES IN AREA WITH SUCH SPECIAL CHARACTERISTICS SHOULD AGREE ON BREADTH OF TERRITORIAL SEA. TURKEY WAS OPPOSED TO GREEK AND CYPRUS SOLUTION OF MEDIAN LINE IN ABSENCE OF AGREEMENTS AND DID NOT RECOGNIZE "ACQUIRED RIGHT" WHERE CONTINENTAL SHELF HAD BEEN UNILATERALLY CLAIMED WITHOUT PRIOR CONSULTATION WITH AFFECTED ADJACENT OR OPPOSITE STATES. REP FAVORED MORE ATTENTION "SPECIAL CIRCUMSTANCES" IN DELIMITATION AND FULL RANGE OF PEACE-FULL SETTLEMENT OF DISPUTES. ISLANDS IN CLOSE PROXIMITY TO FOREIGN COUNTRY'S COAST SHOULD NOT ENJOY SAME STATUS AS THOSE FAR AWAY OR ON CONTINENTAL SHELF OR ANOTHER STATES ISLANDS NOT ISLAND STATES OR ARCHIPELAGOES SHOULD BE GOVERNED BY SPECIAL REGIME.

7. GREEK REP (PROFESSOR ZOTIADES) DELIVERED LONG SPEECH ON REGIME OF ISLANDS. BASIC THRUST WAS THAT SPECIAL CIRCUMSTANCES APPROACH TO ISLANDS WOULD VIOLATE INDIVISIBILITY OF STATES' TERRITORIAL SOVEREIGNTY AND BE CONTRARY TO UN CHARTER AND EXISTING INTERNATIONAL LAW. CONSIDERATION OF CRITERIA SUCH AS SIZE, POPULATION, LOCATION OR GEOLOGICAL CONFIGURATION WAS REJECTED AS UNCLASSIFIED

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DISCRIMINATORY. FAILING AGREEMENT, EQUIDISTANCE METHOD OF DELIMITATION WAS DESIRABLE FOR OPPOSITE OR ADJACENT STATES. GREECE ENDORSED ARCHIPELAGIC PRINCIPLES PROPOSED BY FIJI, INDONESIA, MAURITIUS AND THE PHILIPPINES ON UNDERSTANDING THAT INNOCENT PASSAGE WERE PROVIDED.

8. TURKISH AND GREEK REPS THEN ENGAGED IN SHARP EXCHANGE WITH TURKISH REP STATING THAT GREEK REP WAS DELIBERATELY IGNORING DIFFERENCE BETWEEN FIXING DISTANCE FOR TERRITORIAL SEA AND DELIMITATION. GREEK REP COUNTERED THAT QUESTION WAS WHAT TO DO IF THERE WAS NO AGREEMENT BETWEEN NEIGHBORING AND STATES THAT FUNDAMENTAL RULE WAS MEDIAN LINE.

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